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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,502	04/19/2004	Heino Taaler	1304-2	3471
28249	7590	08/11/2005	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			SHAW, CLIFFORD C	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/827,502

Applicant(s)

TAALER, HEINO

Examiner

Clifford C. Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Detailed Action

1.) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2.) Claims 1, 6, and 7 are rejected under 35 U.S.C. 102(a) as being anticipated by the Japanese document no. JP2002-45969A. The English abstract and figures 1(a) and 1(b) of the Japanese document no. JP2002-45969A discloses a contact nozzle with the features claimed, including: nozzle 1 with a longitudinal hole having a larger cross section at the inlet end (labeled 4b) than the outlet end (labeled 4a); and spring element 3, mounted as claimed.

3.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4.) Claims 8, 9, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese document no. JP2002-45969A. The English abstract and figures 1(a) and 1(b) of the Japanese document no. JP2002-45969A disclose the subject matter claimed except for explicit mention of a torch and except for the “bowl-shaped” limitations in claims 8 and 17. These

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differences do not patentably distinguish over the prior art. The contact nozzle in the Japanese document no. JP2002-45969A is intended to be used for welding, as indicated in the title and the abstract. It is considered obvious that the nozzle be connected to a welding torch because this is the conventional manner in which a contact nozzle such as that of the Japanese document no. JP2002-45969A is employed, thereby satisfying claim 9. The spring element 3c in the Japanese document no. JP2002-45969A is shown as shaped to accommodate the welding wire. It is considered obvious that this shape be a "bowl" shape, at least in cross section, because most welding wires are round in cross section, thereby satisfying claims 8 and 17.

5.) Claims 2-5, 10-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese document no. JP2002-45969A as applied to claims above, and further in view of Dietrick et al. (4,450,341). The only aspects of the claims to which the rejections above do not apply are the limitations associated with the high resistance sleeve or coating in the contact nozzle. These differences do not patentably distinguish over the prior art. It would have been obvious to have provided the nozzle of the Japanese document no. JP2002-45969A with an interior coating of ceramic, in view of the teachings of Dietrick et al. (4,450,341) that such is advantageous for a contact nozzle (see element 34 in figure 3 and the discussion at column 2, line 63 through column 3, line 9 in Dietrick et al. (4,450,341)). The ceramic chosen to implement the teaching of Dietrick et al. (4,450,341) could have obviously been non-conductive based on a routine choice of materials to implement the broad teachings of Dietrick et al. (4,450,341).

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6.) The patents to Christensen (1,644,237) and Bernard et al. (3,283,121) and the Japanese document no. JP2002-292469A are cited to show prior art welding torch contact nozzles that include spring structures to urge the welding wire against the nozzle interior.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clifford C Shaw
Primary Examiner
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August 8, 2005